

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

VALLEY PROTEINS (DELAWARE), INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	1:03CV00988
)	
SGS CONTROL SERVICES, INC.,)	
)	
Defendant.)	

DISCOVERY ORDER

This matter comes before the Court for a ruling on several discovery motions filed by the parties, including (1) a motion for a protective order filed by Plaintiff Valley Proteins (Delaware) Inc., f/k/a CBP Resources (“CBP”) (Pleading No. 44); (2) CBP’s second motion to compel (Pleading No. 46); (3) CBP’s third motion to compel (Pleading No. 52); and (4) Defendant SGS’ motion for sanctions (Pleading No. 53). On May 30, 2006, the Court heard the oral argument of the parties on motions (2) and (3), and announced in open court its ruling on all pending discovery motions. The Court ordered that:

1. CBP’s motion for a protective order (Pleading No. 44) was **GRANTED** insofar as it requested a ruling that Mr. Reiser may not be deposed a second time in this action, and **DENIED** insofar as it requested that SGS not be permitted to proceed with a

Rule 30(b)(6) deposition of CBP. The Rule 30(b)(6) shall be conducted within 30 days and shall be limited in time to four hours.

2. CBP's second motion to compel (Pleading No. 46) was **DENIED** except with regard to CBP's request for a more detailed privilege log. CBP requested an order compelling production of certain documents (notes and lab tests), but the Court finds that the existence of such documents in the files of SGS is speculative and not shown to a sufficient extent to support an order to produce. Nor is there a basis for a finding that the search for responsive documents made by SGS has not been diligent. There is also no basis for a finding that SGS has failed to produce responsive documents that were within the "Lyons claim file." The Court did order that within 30 days SGS shall furnish to CBP are more detailed privilege log as described by the Court on May 30.

3. CBP's third motion to compel (Pleading No. 52) was **DENIED**. Once again, CBP has failed to show that SGS made an inadequate search for responsive documents or that there exist responsive documents in the SGS files that have not been produced in discovery (or logged as privileged).

4. SGS' motion for sanctions (Pleading No. 53) was **DENIED**, the Court finding, for reasons explained in open court, that counsel for CBP did not act improperly during the deposition of Thomas Edwin Davis, Jr.

IT IS SO ORDERED.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: June 2, 2006